

Agenda

REVISED



Tempe City Council

Agendas available at www.tempe.gov/clerk

Watch live at www.tempe.gov/tempe11

Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

February 19, 2004

1. INVOCATION – Councilmember Cahill
2. PLEDGE OF ALLEGIANCE
3. MINUTES – Councilmember Arredondo
 - A. Approval of Council Meeting Minutes
 - B. Acceptance of Board & Commission Meeting Minutes
 1. Aviation Commission – January 13, 2004 [20040219tavco01.pdf](#)
 2. Board of Adjustment – December 29, 2003 [20040219boa01.pdf](#)
 3. Commission on Disability Concerns – January 20, 2004 [20040219cdc01.pdf](#)
 4. Community Special Events Task Force – February 3, 2004 [20040219setf01.pdf](#)
 5. Hearing Officer – February 3, 2004 [20040219ho01.pdf](#)
 6. Historic Preservation Commission – January 15, 2004 [20040219hpc01.pdf](#)
 7. Historical Museum Advisory Board – December 4, 2003 & January 8, 2004
[20040219csjc01.pdf](#) [20040219csjc02.pdf](#)
 8. Mayor's Committee on Prevention & Community Resources – December 15, 2003 [20040219mcpocr01.pdf](#)
 9. Mayor's Youth Advisory Commission – January 20, 2004 [20040219myac01.pdf](#)
 10. Tempe Police Public Safety Personnel Retirement Board – January 8, 2004
[20040219ppsprb01.pdf](#)
 11. Tempe Sports Authority – January 20, 2004 [20040219tsa01.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - Rock n' Roll Marathon Presentation
 - **DELETED**
 - B. Manager's Announcements

5. **CONSENT AGENDA**

All items listed on the consent agenda will be considered as a group by the City Council and will be enacted with one motion. There will be no discussion of these items unless a Councilmember removes an item for consideration or a Citizen requests a public hearing item be removed. Public hearing items are designated by an asterisk (*). Items scheduled for a first hearing will be heard but not adopted at this meeting.

'q-j' denotes an item as quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances or use permits. Courts have ruled that when sitting as a quasi-judicial body, the Council must conduct itself as a court and not as a legislative body. This means any materials or conversations concerning the variance or use permit can only be presented to the Council at the public hearing scheduled for the Council meeting. Pre-meeting contact with the Council on quasi-judicial matters is prohibited.

A. Miscellaneous

12. Request to set Executive Session for the City Council meeting of February 26, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

13. Request approval of the Report of Claims Paid to be Filed for Audit for the week(s) of January 25, 2004.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

- *14. This is a public hearing for the approval of a Series 7 Beer and Wine Bar Liquor License for Horace Gordon, Inc., dba Philly to the Max, 505 S. Mill Avenue.

COMMENTS: Linda Gordon, Agent

DOCUMENT NAME: [20040219LIQ1.pdf](#) **LIQ LIC (0210-02)**

15. Request approval to utilize State of Arizona Counter-Drug Procurement Program 1122 for the purchase of two Chevrolet Impala Police Department patrol cars.

COMMENTS: Total cost for this purchase shall not exceed \$42,444.

DOCUMENT NAME: [20040219fslq06.pdf](#) **PURCHASES (1004-01)**

16. Request approval to utilize City of Peoria contract #P02-0043 for automated refuse containers from Rehrig Pacific Company.

COMMENTS: Total cost for this contract shall not exceed \$50,000 annually.

DOCUMENT NAME: [20040219fslq03.pdf](#) **PURCHASES (1004-01) #P02-0043**

17. Request approval to utilize City of Mesa Contract #2002178 for the purchase of 6 & 8 cubic yard steel refuse containers from Auerbach Products.

COMMENTS: Total cost for this contract shall not exceed \$55,000 annually.

DOCUMENT NAME: [20040219fslq02.pdf](#) **PURCHASES (1004-01)** Bid #2002178

18. Request authorization to extend for an additional 90 days the negotiations period with Big League Dreams USA, LLC, selected respondent to RFP No. 04-004.

DOCUMENT NAME: [20040219edrsca01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

19. Request authorization to allow the City Attorney to file an appeal in the City of Tempe v. Saide R. Afkari lawsuit.

DOCUMENT NAME: [20040219casv01.pdf](#) **CITY ATTORNEY ADMINISTRATION (0501-02)**

20. Request approval for the use of Contingency Funds in the amount of \$63,900 to pay a claim against the Hayden Flour Mill property.

DOCUMENT NAME: [20040219dsmch01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

21. Request to abolish an Equipment Operator II position and create an Administrative Assistant II position in the Public Works Department.

DOCUMENT NAME: [20040219pwwds01.pdf](#) **POSITIONS AUTHORIZED (0302-01)**

22. Request approval of Intergovernmental Agreement with Maricopa County for special transportation services.

DOCUMENT NAME: [20040219pwwcdl01.pdf](#) **PUBLIC TRANSIT (1106)**

23. Request approval of Intergovernmental Agreement Amendment with Regional Public Transportation Authority (RPTA) for Dial-A-Ride services.

DOCUMENT NAME: [20040219pwwcdl02.pdf](#) **PUBLIC TRANSIT (1106)**

- *24. This is a public hearing to obtain citizen views and proposals on how funds for the 2004/2005 Community Development Block Grant (CDBG) and Home Program activities should be allocated.

DOCUMENT NAME: [20040219dslc01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT 2004/2005 (0207-26)**

B. Award of Bids

25. Request to award a one-year contract with two (2) one-year renewal options to Tri-Rentals as primary vendor, and to Phoenix Tent Rentals as secondary vendor, for tent rental and special event supplies.

COMMENTS: Total cost for this contract shall not exceed \$75,000 during the initial contract period.

DOCUMENT NAME: [20040219fslg01.pdf](#) **PURCHASES (1004-01)** Bid #04-031RB

26. Request to award a one-year contract with two (2) one-year renewal options to AZ Interactive Media Group for the printing of the Leisure Opportunities magazine.

COMMENTS: Total cost for this contract shall not exceed \$70,000 during the initial contract period.

DOCUMENT NAME: [20040219fslg05.pdf](#) **PURCHASES (1004-01)** Bid #04-074

27. Request to award a one-year contract with two (2) one-year renewal options to Transit Information Products for bus stop information display boards.

COMMENTS: Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20040219fslg04.pdf](#) **PURCHASES (1004-01)** Bid #04-062

28. Request approval of a professional services contract with Wood, Patel & Associates, Inc., in an amount not to exceed \$74,812, for design of the Johnny G. Martinez Water Plant South Access Driveway.

DOCUMENT NAME: [20040219PWTG10.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0902-13)** PROJECT NO. 3201096

29. Request approval of a Construction Manager at Risk Construction Services contract to PCL Civil Constructors, Inc. for a Guaranteed Maximum Price of \$2,438,385 and approve a contingency allowance of \$300,000 for change orders for the Kyrene Reclamation Facility Reliability Upgrades.

COMMENTS: Phase 1 Improvements for the Kyrene Reclamation Facility 9-MGD Expansion.

DOCUMENT NAME: [20040219PWMG09.pdf](#) **KYRENE WATER RECLAMATION PLANT (0812-02)** PROJECT NO. 32-996995

30. Request to award a construction contract to Okland Construction Co., Inc. in the amount of \$49,623,723; approve a contract change order decreasing the contract by \$5,488,223 for a total project cost of \$44,135,500; and approve a construction contingency of \$2,000,000 for Tempe Center for the Arts.

DOCUMENT NAME: [20040219PW08.pdf](#) **TEMPE ARTS CENTER (0109-19)** PROJECT NO. 57-997005

C. Ordinances and Items for Introduction

31. Request to set public hearings for **February 26 and March 25, 2004** to authorize a lease for an ATM at 25 E. Fifth Street.

DOCUMENT NAME: [20040219PWMG03.pdf](#) REAL PROPERTY/RIGHT OF WAY LEASE (TO OTHERS) (0903) ORDINANCE NO. 2004.05

32. Request to set public hearings for **February 26 and March 25, 2004** to authorize the execution of two Encroachment/Occupancy Easements for the Arizona State University Foundation Project.

DOCUMENT NAME: [20040219dscm02.pdf](#) ASU FOUNDATION PROJECT (0404-03-15) ORDINANCE NO. 2004.08

33. Request to set public hearings for **February 26 and March 25, 2004** to abandon a drainage easement located within Papago Park Center.

COMMENTS: East of the intersection of Priest Drive and Washington Street.

DOCUMENT NAME: [20040219PWMG05.pdf](#) EASEMENT ABANDONMENT (0901) ORDINANCE NO. 2004.07

D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- q-j *34. WITHDRAWN BY APPLICANT
This is the **first** public hearing for an Amended General and Final Plan of Development, including a use permit and a variance, for Buggy Bath Car Wash located at 1836 East Elliot Road.

- *35. This is the **first** public hearing to abandon certain easements located in the Northeast quadrant of College Avenue and University Drive.

DOCUMENT NAME: [20040219PWMG04.pdf](#) EASEMENT ABANDONMENT (0901) ORDINANCE NO. 2004.06

E. Ordinances and Items for Second Hearing/Final Adoption

- *36. This is the **second** public hearing to amend Tempe City Code, Chapter 28, relating to Solid Waste.

DOCUMENT NAME: [20040219cacc01.pdf](#) TCC CH 28 - SOLID WASTE (0503-28) Ordinance No. 2004.03

- *37. This is the **second** public hearing to abandon a water line easement and an emergency access easement located in the Playa del Norte development.

DOCUMENT NAME: [20040219PWMG02.pdf](#) **EASEMENT ABANDONMENT (0901)**
ORDINANCE NO. 2004.02

- *38. This is the **second** public hearing to abandon an existing public utility easement and water and sewer easement located at 1938 East Apache Boulevard.

COMMENTS: For the Pappas School.

DOCUMENT NAME: [20040219PWMG01.pdf](#) **RIGHT OF WAY**
ABANDONMENT (0901) ORDINANCE NO. 2004.01

F. Resolutions

39. Request approval of a Resolution establishing polling places and districts for the May 18, 2004 general election.

DOCUMENT NAME: [20040219clrkck01.pdf](#) **GENERAL ELECTION – MAY 18, 2004 (0506-29-02) RESOLUTION NO. 2004.12**

40. Request approval of a Resolution naming the Clubhouse at Ken McDonald Golf Course the "Gene A. Sears Clubhouse."

DOCUMENT NAME: [20040219csmr01.pdf](#) **GOLF COURSE – KEN McDONALD (0902-09) Resolution No. 2004.11**

41. Request for approval of a Resolution adopting a Development Agreement for the Arizona State University Foundation Project.

COMMENTS: Sidewalk Maintenance Agreement

DOCUMENT NAME: [20040219dscm01.pdf](#) **ASU FOUNDATION PROJECT (0404-03-15) Resolution 2004.13**

42. Request for approval of a Resolution amending the City of Tempe 457 Eligible Deferred Compensation Plan.

DOCUMENT NAME: [20040219hrds02.pdf](#) **457 ELIGIBLE DEFERRED COMPENSATION PLAN Resolution No. 2004.07.**

43. Request approval of a Resolution amending the City of Tempe 401(k) Savings and Investment Plan and Trust.

DOCUMENT NAME: [20040219hrds01.pdf](#) **401(k) SAVINGS AND INVESTMENT PLAN AND TRUST Resolution No. 2004.06.**

44. Request approval of a Resolution amending the schedule of fees and charges authorized by the City Code establishing charges for violations of Chapter 28, Solid Waste

DOCUMENT NAME: [20040219cacc02.pdf](#) MISCELLANEOUS FEES (0210-05) Resolution No. 2004.14

6. NON-CONSENT AGENDA

Public hearing items on the non-consent agenda are designated by an asterisk (*).

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

8. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters brought up by the public under public appearances that are not agendaized can not be discussed by the City Council. There is a five-minute limit per citizen. Speaker's visual aids or recorded audio tapes will not be allowed during formal meetings. Citizens attending Council meetings should refrain from making personal, impertinent and slanderous remarks or becoming boisterous while addressing the Council or while attending the Council meeting. Unauthorized remarks from the audience, stomping of feet, yelling and similar demonstrations are also not permitted. Violations of these rules may result in removal from the City Council meeting.